UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/C.6/52/L.14
14 November 1997

ORIGINAL: ENGLISH

Fifty-second session
SIXTH COMMITTEE
Agenda item 151

REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION

Draft resolution proposed by the Chairman of the Sixth Committee

Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions

The General Assembly,

Concerned about the special economic problems confronting certain States arising from the carrying out of preventive or enforcement measures taken by the Security Council against other States, and taking into account the obligation of Members of the United Nations under Article 49 of the Charter of the United Nations to join in affording mutual assistance in carrying out the measures decided upon by the Security Council,

Recalling the right of third States confronted with special economic problems of that nature to consult the Security Council with regard to a solution of those problems, in accordance with Article 50 of the Charter,

Recognizing the desirability of the consideration of further appropriate procedures for consultations to deal in a more effective manner with the problems referred to in Article 50 of the Charter,

Recalling:

(a) The report of the Secretary-General entitled "An Agenda for Peace",[1] in particular paragraph 41 thereof;

---

[1] A/47/277-S/24111; see Official Records of the Security Council, Forty-seventh Year, Supplement for April, May and June 1992, document S/24111.

(b) Its resolution 47/120 A of 18 December 1992, entitled "An Agenda for Peace: preventive diplomacy and related matters", its resolution 47/120 B of 20 September 1993, entitled "An Agenda for Peace", in particular section IV thereof entitled "Special economic problems arising from the implementation of preventive or enforcement measures", its resolution 51/242 of 15 September 1997, entitled "Supplement to an Agenda for Peace", in particular annex II thereof, entitled "Question of sanctions imposed by the United Nations";

(c) The position paper of the Secretary-General entitled "Supplement to an Agenda for Peace";[2]

(d) The statement by the President of the Security Council of 22 February 1995;[3]

(e) The report of the Secretary-General[4] prepared pursuant to the note by the President of the Security Council[5] regarding the question of special economic problems of States as a result of sanctions imposed under Chapter VII of the Charter;

(f) The reports of the Secretary-General on economic assistance to States affected by the implementation of the Security Council resolutions imposing sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro)[6] and General Assembly resolutions 48/210 of 21 December 1993, 49/21 A of 2 December 1994, 50/58 E of 12 December 1995 and 51/30 A of 5 December 1996;

(g) The 1994,[7] 1995,[8] 1996[9] and 1997[10] reports of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;

---

[2] A/50/60-S/1995/1; see Official Records of the Security Council, Fiftieth Year, Supplement for January, February and March 1995, document S/1995/1.

[3] See Official Records of the Security Council, Fiftieth Year, Resolutions and Decisions of the Security Council, 1995, document S/PRST/1995/9.

[4] A/48/573-S/26705; see Official Records of the Security Council, Forty-eighth Year, Supplement for October, November and December 1993, document S/26705.

[5] See Official Records of the Security Council, Forty-seventh Year, Supplement for October, November and December 1992, document S/25036.

[6] A/49/356, A/50/423 and A/51/356.

[7] Official Records of the General Assembly, Forty-ninth Session, Supplement No. 33 (A/49/33).

[8] Ibid., Fiftieth Session, Supplement No. 33 (A/50/33).

[9] Ibid., Fifty-first Session, Supplement No. 33 (A/51/33).

[10] Ibid., Fifty-second Session, Supplement No. 33 (A/52/33).

(h) The reports of the Secretary-General on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter,[11]

Taking note of the report of the Secretary-General submitted in accordance with General Assembly resolution 51/208 of 17 December 1996,[12]

Recalling that the question of assistance to third States affected by the application of sanctions has been addressed recently in several forums, including the General Assembly and its subsidiary organs and the Security Council,

Recalling also the measures taken by the Security Council in accordance with the statement by the President of the Security Council of 16 December 1994[13] that, as part of the Council's effort to improve the flow of information and the exchange of ideas between members of the Council and other States Members of the United Nations, there should be increased recourse to open meetings, in particular at an early stage in its consideration of a subject,

Stressing that, in the formulation of sanctions regimes, due account should be taken of the potential effects of sanctions on third States,

Stressing also, in this context, the powers of the Security Council under Chapter VII of the Charter and the Council's primary responsibility under Article 24 of the Charter for the maintenance of international peace and security in order to ensure prompt and effective action by the United Nations,

Recalling that, under Article 31 of the Charter, any Member of the United Nations that is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Council whenever the latter considers that the interests of that Member are specially affected,

Recognizing that the imposition of sanctions under Chapter VII has been causing special economic problems in third States and that it is necessary to intensify efforts to address those problems,

Recognizing also that assistance to third States affected by the application of sanctions would further contribute to an effective and comprehensive approach by the international community to sanctions imposed by the Security Council,

Recognizing further that the international community at large and, in particular, international institutions involved in providing economic and

---

[11] A/50/361, A/51/317, A/52/308.

[12] A/52/308.

[13] See Official Records of the Security Council, Forty-ninth Year, Resolutions and Decisions of the Security Council, 1994, document S/PRST/1994/81.

financial assistance should continue to take into account and address in a more effective manner the special economic problems of affected third States arising from the carrying out of preventive or enforcement measures taken by the Security Council under Chapter VII of the Charter, in view of their magnitude and of the adverse impact on the economy of those States,

Recalling the provisions of resolutions 50/51 of 11 December 1995 and 51/208 of 17 December 1996,

1. Renews its invitation to the Security Council to consider the establishment of further mechanisms or procedures, as appropriate, for consultations as early as possible under Article 50 of the Charter of the United Nations with third States which are or may be confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Security Council under Chapter VII of the Charter, with regard to a solution of those problems, including appropriate ways and means for increasing the effectiveness of its methods and procedures applied in the consideration of requests by the affected countries for assistance;

2. Welcomes once again the further measures taken by the Security Council since the adoption of General Assembly resolution 50/51 and aimed at increasing the effectiveness and transparency of the sanctions committees and invites the Council to implement those measures, and strongly recommends that the Council continue its efforts further to enhance the functioning of those committees, to streamline their working procedures and to facilitate access to them by representatives of States that find themselves confronted with special economic problems arising from the carrying out of sanctions;

3. Requests the Secretary-General to pursue implementation of the provisions of General Assembly resolution 50/51 related to the possible guidelines that might be adopted on technical procedures to be used by the appropriate parts of the Secretariat, and paragraphs 4, 5 and 6 of resolution 51/208, and to continue, on a regular basis, to collate and coordinate information about international assistance available to third States affected by the implementation of sanctions, to continue developing a possible methodology for assessing the adverse consequences actually incurred by third States and to initiate action in order to explore innovative and practical measures of assistance to the affected third States;

4. Endorses the proposal of the Secretary-General that an ad hoc expert group meeting be convened in the first half of 1998 with a view to developing a possible methodology for assessing the consequences actually incurred by third States as a result of preventive or enforcement measures and in this connection requests that due regard be given by the expert group to the particular problems and needs of developing countries confronted by the special economic problems arising from carrying out enforcement measures and also endorses the recommendation of the Secretary-General that the expert group explore innovative and practical measures of assistance that could be provided by the relevant organizations both within and outside the United Nations system to the affected third States and requests the Secretary-General to submit a report on the results of the expert group meeting to the General Assembly at its fifty-third session;

5. Reaffirms the important role of the General Assembly, the Economic and Social Council and the Committee for Programme and Coordination in mobilizing and monitoring, as appropriate, the economic assistance efforts by the international community and the United Nations system to States confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Security Council and, as appropriate, in identifying solutions to the special economic problems of those States;

6. Invites the organizations of the United Nations system, international financial institutions, other international organizations, regional organizations and Member States to address more specifically and directly, where appropriate, special economic problems of third States affected by sanctions imposed under Chapter VII of the Charter and, for this purpose, to consider improving procedures for consultations to maintain a constructive dialogue with such States, including through regular and frequent meetings as well as, where appropriate, special meetings between the affected third States and the donor community, with the participation of United Nations agencies and other international organizations;

7. Requests the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, at its session in 1998, to continue to consider on a priority basis the question of the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter, taking into consideration all the related reports of the Secretary-General,[14] the proposals submitted on this subject, the debate on this question which took place in the Sixth Committee at the fifty-second session of the General Assembly and the text on the question of sanctions imposed by the United Nations contained in annex II to General Assembly resolution 51/242, and also the implementation of the provisions of General Assembly resolutions 50/51 and 51/208 as well as the provisions of the present resolution;

8. Requests the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its fifty-third session.

---

[14] A/48/573-S/26705; see Official Records of the Security Council, Forty-eighth Year, Supplement for October, November and December 1993, document S/26705; A/49/356; A/50/60-S/1995/1; see Official Records of the Security Council, Fiftieth Year, Supplement for January, February and March 1995; A/50/361, A/50/423, A/51/317 and A/52/308.